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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
12

13 In re GROUPON MARKETING AND SALES)
PRACTICES LITIGATION)
14 _____)

No. 3:11-md-02238-DMS-RBB

DECLARATION OF PLAINTIFF
HEATHER KIMEL IN SUPPORT OF
JOINT MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT

JUDGE: Honorable Dana M. Sabraw
DATE: September 7, 2012
TIME: 1:30 p.m.
CTRM: 10

1 I, Heather Kimel, declare:

2 1. I am a plaintiff in the above-referenced matter. I have personal knowledge of the
3 facts set forth herein and, if called as a witness, could and would testify competently thereto.

4 2. I am a resident of Akron, Ohio.

5 3. On or around November 19, 2010, I received a "Daily Deal" email offer from
6 Groupon for "groupon" vouchers redeemable at Nordstrom Rack.

7 4. According to the "Daily Deal" offer, I would pay \$25.00 to Groupon in exchange for
8 a "groupon" voucher redeemable for \$50.00 worth of shoes, apparel, accessories and other retail
9 products at Nordstrom Rack.

10 5. "The Fine Print" section of the "Daily Deal" offer stated that the Nordstrom Rack
11 "groupon" voucher "Expires Dec 31, 2010."

12 6. I purchased one "groupon" voucher for Nordstrom Rack and made payment of \$25.00
13 to Groupon through Groupon's website. I received an e-mail from Groupon confirming my purchase
14 of a Nordstrom Rack groupon voucher.

15 7. The closest Nordstrom Rack store is located in Cleveland, Ohio, which is more than
16 40 miles from my house in Akron, Ohio. It typically takes me close to an hour to drive from my
17 house in Akron to the Nordstrom Rack in Cleveland.

18 8. I was unable to go to the Nordstrom Rack in Cleveland and redeem the "groupon"
19 voucher before the December 31, 2010 expiration period imposed by Groupon.

20 9. In January 2011, I emailed Groupon and asked for a cash refund for \$25.00.

21 10. A representative of Groupon responded to my email, but refused to provide me a cash
22 refund for \$25.00.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed this 9th day of August, 2012, at Akron, Ohio.

25
26 
27 HEATHER KIMEL
28

INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Ohio } ss.
 County of Summit }

On this the ninth day of August, 2012, before me,
Susan C. Scherba, the undersigned Notary Public,
 Name of Notary Public
 personally appeared Heather Kimel,
 Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.



SUSAN C. SCHERBA
 Notary Public, State of Ohio
 My Commission Expires June 6, 2013

Susan C. Scherba
 Signature of Notary Public

Place Notary Seal/Stamp Above

Any Other Required Information
 (Printed Name of Notary, Expiration Date, etc.)

INFORMATION IN AREAS 1-4 REQUIRED IN ARIZONA. OPTIONAL IN OTHER STATES.

Description of Any Attached Document

1 Title or Type of Document: Coupon Litigation
 2 Document Date: 8/9/12 3 Number of Pages: 2
 4 Signer(s) Other Than Named Above: _____

OPTIONAL

RIGHT THUMBPRINT OF SIGNER #1	RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here	Top of thumb here

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2012, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 24, 2012.

s/ John J. Stoia, Jr.
JOHN J. STOIA, JR.

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